

REMARKS**Pending Claims**

Claims 1, 2, 7-9, 13, 14, and 25-41 are pending. Claims 3, 4-6, 10-12, and 15-24 have been canceled in a previous response. Claim 1 has been amended. No new matter has been added.

Claims 7-9, 25, 27, 29-31, and 41 have been allowed.

Claims 2, 13, 14, 26, 28, and 32-40 have been objected to but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

Claim Amendments

Claim 1 has been amended to include the feature: "in approximately a middle part of musculus gluteus maximus" to articulate where the tops of the bulges run through. Support for the amendment can be found at Paragraph [0158] as published or page 13, lines 35 to 37 of the present specification as submitted. No new matter has been added.

Other claims have been amended to correct a typographical error. No new matter has been added.

Claim Rejections – 35 USC §102

Claim 1 has been rejected under 35 USC §102 as being anticipated by US Patent No. 3,756,247 to Hand. Applicants submit that claim 1 as amended does not read on the cited prior art.

Claim 1 recites as follows:

Claim 1 (currently amended): A garment comprising a stretch fabric wherein the garment is adapted to cover at least a part of the lower body of a wearer, has a crotch part, and is adapted to be worn by being fitted to the wearer's body, wherein:
the garment in part has a portion with a strong straining force;
the portion with a strong straining force is a first strong straining portion;

wearer's right and left parts of the first portion are connected at a position on the back side of the garment corresponding to any region from os sacrum to vertebrae lumbalis of the wearer's body; and

the first portion covers a region extending from said position through tops of bulges of the buttocks in approximately a middle part of musculus gluteus maximus and approximately in the direction of muscle fibers of musculus gluteus maximus at wearer's right and left to at least the vicinity of trochanter major.

(Emphasis added.)

The above bolded feature is not disclosed, taught, or suggested by the cited prior art reference. Particularly, claim 1 states that the first portion extends from the tops of bulges of the buttocks in approximately a middle part of musculus gluteus maximus. Claim 1 further states that the first portion runs "approximately in the direction of the muscle fibers of musculus gluteus maximus." Taken together, it can be understood that the first portion extends through the top of the bulge that is located approximately in the middle part of the musculus gluteus maximus and, moreover, this band runs along the fibers of musculus gluteus maximus within the middle part thereof.

In contrast, the patent to Hand shows a band running from the waist area to and around the periphery of the buttocks. Claim 1 is clearly distinguished from the disclosure of Hand.

Because claim 1 is believed to be allowable, claims 2, 13, 14, 26, 28, and 32-40, which depend directly or indirectly from claim 1, are also thought to be allowable for at least the same reasons as claim 1.

In view of the above amendment, applicant believes all of the pending claims are allowable and the application is in condition for allowance.

If the Examiner is still of the opinion that the above limitation does not render the application in condition for allowance, Applicants would appreciate being given an opportunity to hold a telephonic interview with the Examiner to further discuss the pending claims. The direct number of the attorney for Applicants is (212) 527-7659.

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Respectfully submitted,

By

Chris T. Mizumoto

Registration No.: 42,899
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant